

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

FILED

SEP 20 2019

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

MIKKEL JORDAHL; MIKKEL (MIK)  
JORDAHL, PC,

Plaintiffs-Appellees,

v.

MARK BRNOVICH, Attorney General, in  
his official capacity as Arizona Attorney  
General,

Defendant-Appellant,

STATE OF ARIZONA,

Intervenor-Defendant-  
Appellant,

and

JIM DRISCOLL, in his official capacity as  
Coconino County Sheriff, et al.,

Defendants.

No. 18-16896

D.C. No. 3:17-cv-08263-DJH  
District of Arizona,  
Prescott

ORDER

Before: RAWLINSON, BEA, and NGUYEN, Circuit Judges.

Appellants, the Arizona Attorney General and the State of Arizona (collectively “Arizona”) have submitted a renewed motion for a stay of the district court’s injunction pending appeal. Arizona’s basis for this motion is that A.R.S. § 35-393 *et seq.* (“the Act”) has been amended by the state legislature so that the

Act no longer applies to the plaintiffs in this case.

The parties agree that the legislature's action rendered the appeal moot and that on remand it will be appropriate for this court to enter an order dissolving the preliminary injunction. Accordingly, Arizona's renewed motion for a stay of the preliminary injunction pending appeal (ECF No. 119) is granted. *See Nken v. Holder*, 556 U.S. 418, 426 (2009).

The parties continue to dispute whether the underlying claim is moot. On this question submission remains withdrawn pending the resolution of *Board of Trustees v. Chambers*, No. 16-15588.